

Planning Commission
April 25, 2016
Minutes

The Planning Commission Meeting was called to order by Chairman Stanard at 6:31 p.m.

PRESENT AT ROLL CALL: Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard
ABSENT: Mr. Bolek

Others Present: Jeff Filarski, Village Engineer; Aimee Lane, Law Director; Richard Kawalek, Village Architect, Theresa Dean, Assistant Clerk

Mayor Renda made the motion seconded by Mr. Fritz to approve the minutes from the Planning Commission meeting of March 28, 2016 with one change, as follows: that the reference to plans being approved by the County (page three, discussion of Hodgson residence at 37690 Berkeley) be changed to "sanitary plans have been approved by the County."

ROLL CALL:

AYES: Mrs. Cooper, Mr. Fritz, Mayor Renda, Mr. Stanard

NAYS:

ABSTENTIONS: Mr. Pogatschnik

MOTION CARRIED

Goss Residence – Patio with Covered Fire Pit

195 Sterncrest

Goss Residence

Timothy Roach with Blackstone Landscaping, the designer and builder, presented the project on behalf of the homeowners. Mr. Loconti pointed out the location of the fire pit on the site plan and confirmed that the placement conforms to fire regulations. An elevation of the fire pit with the proposed cover was displayed, as was an elevation of the overall patio design.

Mr. Stanard verified that the plans have been reviewed and approved by the Building Commissioner.

Mayor Renda made a motion seconded by Mr. Fritz to approve the patio and covered fire pit at 195 Sterncrest:

ROLL CALL:

AYES: Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS:

MOTION CARRIED

Prendergast Residence – Garage Addition

195 Meadowhill Lane

Hanna Cohan of Sixmo, Inc., architect, represented the project on behalf of the homeowners. Ms. Cohan stated that the project includes not only the garage addition but also replacement of selective windows and doors on the main house to include five sets of French doors and full-height windows. Future interior renovations are also planned with the focus on emphasizing the view from the rear of the house and yard. The architectural style of the changes and materials used will match the existing home as closely as possible. The garage addition has been stepped back approximately two (2) feet and the roof height dropped to break up the elevation and roof line. The design is intended to blend into the house and make the addition appear as if it was always there. Windows will also be added to the second floor on the rear of the home to bring symmetry to the dormer.

Mr. Fritz asked if the roof pitch on the addition matches that of the existing garage, and Ms. Cohan confirmed that it did.

Mr. Loconti confirmed that the Village Architect has approved the plans as submitted.

Mr. Fritz made a motion seconded by Mrs. Cooper to approve the garage addition at 195 Meadowhill Lane.

ROLL CALL:

AYES: Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mr. Stanard

NAYS:

ABSTENTIONS: Mayor Renda

MOTION CARRIED

Levine Residence – Front Entry
275 Springdale

Jason Baylor of Payne & Payne Custom Builders was in attendance to present the project, which incorporates a rework of the front entrance. This will free up space for an interior renovation to include improvements to the kitchen and informal dining spaces and make a more welcoming entry with storage for coats, boots, etc. The reconfiguration will also allow for renovations to a shared bathroom.

Mr. Loconti stated that the drawings have been approved by the Village Architect with the recommendation that an engineer review the collar tie condition. Mr. Loconti explained that this is a construction detail that has nothing to do with the exterior design of the project. Mr. Baylor added that they plan to add sister rafters to the existing rafters to add both strength and insulation. Mr. Loconti requested an addendum to the plans prior to issuing permits.

Mrs. Cooper made a motion seconded by Mr. Stanard to approve the redesign of the front entrance at 275 Springdale Lane.

ROLL CALL:

AYES: Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS:

MOTION CARRIED

Discussion – Comprehensive Land Use Plan

Jenny Burke, a resident and member of the Master Plan Review Committee, was in attendance. She reported that, on April 19, 2016, the Committee voted unanimously to approve the 2016 Comprehensive Land Use Plan, and she cited the dedication and thorough work by the Committee members as well as Mayor Renda, Sherri Arrietta, Jeff Filarski, and Aimee Lane.

Mrs. Burke reported that the 2016 Plan includes actions taken by the Village based on recommendations from the previous Plan done in 2003. All information in the new plan has been fully updated and includes demographic data, maps showing current land uses, topography, water and sewer lines, soil types, and the results of the community survey. The Master Plan Review Committee hopes the Plan will be a resource that can be referenced often by both Village officials and residents.

Mrs. Burke stressed that significant efforts were made by members of the Committee and the Mayor to gather input from residents. Response to the on-line survey and open house were very good, and the Committee took results from the community input process very seriously and worked to ensure the Plan included that input. Finally, the Plan includes detailed explanations for the rationale behind all recommendations. Great efforts have been made to preserve the quiet, semi-rural atmosphere of Moreland Hills.

Mr. Stanard commented that the Plan is a beautiful document that is well thought out and well written; it is evident that a tremendous amount of effort was put into its creation. He reminded the Planning Commission members that their options are to recommend the Plan to Council for acceptance, to not recommend it, or to take no action.

Mr. Stanard went on to say that there are many points for discussion and different ways to interpret the data presented in the Plan. However, the end result is that the document will function very well as a Land Use Plan and tremendously useful tool for the Village, and he hopes it will be recommended for acceptance.

Mr. Fritz thanked Mrs. Burke for her presentation and the resident members of the Committee for their work, which went far further in terms of time and effort than initially anticipated. He agreed that data interpretation is a valid point to bring up but feels the Committee went to great lengths to ensure that any data used in making recommendations was supported by local and regional trends. He also expressed his hope that the Planning Commission will recommend the acceptance of the Plan to Council.

Mayor Renda expressed her thanks to members of the Committee, especially the resident members, and to Mr. Fritz as the Committee's Chairman.

Mrs. Cooper commented that it was a pleasure to serve on the Committee and that she learned a great deal about the community. She feels the process gave a good opportunity to ask residents where Moreland Hills should be in the future.

Mr. Pogatschnik also complimented the efforts of the Committee and feels the Plan is very informative, especially as he is a relatively new resident of the Village. However, he said he finds a small amount of irony between the first two recommendations, specifically allowing for mixed housing types on smaller lots in one section of the Village while encouraging lot consolidation to create larger lots in another. Mayor Renda replied that it is a matter of geography. The neighborhood for which lot consolidation is recommended is unique in that the lots are small and already non-conforming. It is one of the older neighborhoods in Moreland Hills and is historically relevant, but redevelopment is happening now in that that is not in character with the neighborhood in terms of massing and setbacks. The recommendations

allow the Village to make efforts to protect the neighborhood and make it easier for lot consolidations, enabling the building of more reasonable structures in relation to lot size.

As to the proposed area for Planned Development zoning, it is also a unique area defined by close proximity to the retail business district, a location on a very busy street, and with lots that are long and narrow. The Master Plan Review Committee was very thoughtful about where, geographically, it would make sense to offer redevelopment opportunities that would both benefit the Village and make a reasonable use of the land. In both the Comprehensive Land Use Plan and the proposed Planned Development chapter, care was taken to call out the fact that this is a unique, well-defined area and also to make it clear to both residents and developers that large-lot zoning is what the Village values and what will stay. Nonetheless, there is this unique, clearly-defined opportunity that can benefit residents by offering different types of housing.

Mr. Pogatschnik asked if was fair to assume that the demand for smaller houses on smaller lots is insufficient to support the regular turn-over of homes in zone 3 or the purchase and renovation of smaller homes into nicer but still small homes versus purchasing a new home in a developed area. Mayor Renda replied that both things can happen simultaneously but that demographic data on both the national and local level anticipates a greater need for downsizing. The Village is trying to be proactive with this recommendation.

Mrs. Burke added that a significant number of respondents to the community survey indicated they are interested in remaining in Moreland Hills or the general Chagrin Valley area as they get older but that they did not want large homes on large lots. A high demand is anticipated in the Chagrin Valley area for downsized housing of a certain quality. There is a concern that, without this type of development, residents may be unable to find housing to fit their needs in the area. This was a very important consideration for the Committee in recommending a unique, small section of the Village be developed in such a way that these people can remain as residents.

Mr. Fritz reinforced the description of the area as unique due to its proximity to a commercial/retail district as well as the higher density/smaller home developments at Heathermore and Moreland Mews.

Mr. Pogatschnik restated his struggle to understand the need for larger lots in the WEB area (Wiltshire, Ellendale, Berkeley) that already has smaller homes at the same time the Plan is recommending smaller lots in the proposed Planned Development district. Mayor Renda reiterated that there is great support for conservation and the current large-lot zoning, and that conservation areas are included in the proposed Planned Development district, and Mr. Fritz indicated that the data supports the recommendation for smaller lots in the Planned Development area.

As to the WEB area, Mayor Renda, Mr. Fritz, and Mr. Stanard all discussed how recommended text changes about front and side setbacks, percentages of allowable lot coverage to avoid massing, and making it easier to consolidate lots will aid in preservation of the neighborhood's character. Additionally, no one will be precluded from building a small home in that area if they wish to do so.

Mr. Stanard said that it is important to note that recommending the Comprehensive Land Use Plan to the Council in no way changes the laws of the Village, nor will the need for Board of Zoning Appeals or Planning Commission review be obviated. Finally, he cited the input of both Mr. Filarski and Mrs. Lane in developing the Plan.

Mr. Stanard made a motion seconded by Mr. Pogatschnik that the Planning Commission adopt the 2016 Comprehensive Land Use Plan and recommend the adoption of the Plan to the Village Council.

ROLL CALL:

AYES: Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS:

MOTION CARRIED

Discussion - Proposed Chapter 1159- U-5 Chagrin Northwest Residential & Planned Development Conservation District

Mark Majewski, certified city planner, was in attendance to present the draft of Proposed Chapter 1159 and seek feedback and recommendations from the Planning Commission. Mr. Stanard stated that the purpose of this discussion is to initiate conversation about the Chapter and identify areas for questions.

If adopted, Chapter 1159 will be added to the Zoning Code of the Village of Moreland Hills and describe the U-5 Chagrin Northwest Residential & Planned Development Conservation District. The six sub-chapters define the purpose, the regulations applicable to the District, the qualifying conditions for planned development, the general standards for development, the specific standards for development, and the procedures that would define the process.

Mr. Stanard reminded the Planning Commission that a public hearing will be held on May 11, 2016, to continue tonight's discussion as well as take public comments.

At this time, Mr. Majewski and the members of the Planning Commission reviewed the draft of Chapter 1159 section by section. Comments are summarized here:

- **Section 1159.01 – Purpose statement.** Mr. Majewski said that the purpose statement is a critical element of the document, as it guides future interpretation of the Chapter. The purpose statement specifically references the Master Plan’s recommendations for this geographic area of the Village. Mr. Majewski asked if there were any questions or comments, and Mrs. Lane said she was very pleased at how well the purpose statement spells out that this chapter applies to a specific, unique area in the Village.
- **Section 1159.02 – Regulations Applicable to the Chagrin Northwest Residential and Planned Development Conservation District.** This section emphasizes that the area eligible for development remains zoned as a U-1 Dwelling House District unless and until a Planned Development is proposed and accepted. Mrs. Lane added that, although an overlay district had been considered, keeping U-1 Zoning prevents existing homes from being rendered non-conforming, which could cause problems for owners when selling or insuring their homes. This was seen as the best way to protect homeowners in the area.

Mrs. Cooper mentioned that the Comprehensive Land Use Plan uses the term “Planned Unit Development,” whereas the proposed Chapter uses the term “Planned Development.” Mrs. Lane responded that the terms are used interchangeably, so the wording should be acceptable.

- **Section 1159.03 – Qualifying Conditions for Planned Development.** This section details how the area is being identified and lists specific eligible parcels. It also indicates that Planned Developments must be proposed on a property consisting of at least twenty (20) acres, making it substantial enough to bring benefits to the community. It also recommends a minimum aggregate frontage of two-hundred feet (200’) on Chagrin Boulevard.

Mr. Pogatschnik asked if a minimum of twenty (20) acres is a “hard stop” for allowing a Planned Development or if someone could come forward with a plan for eighteen (18) acres and ask for a variance. Mr. Majewski feels that the rule should hold as defined.

- **1159.04 – General Standards for Planned Development.**
 - 1159.04(a) This section suggests that Chagrin Boulevard has character that should be preserved and, therefore, proposes setbacks, requirements to minimize access roadways, and recommendations for landscaping.

Mr. Stanard asked if the wording “through the Village” in the first paragraph was defining the entirety of Chagrin Boulevard or only the portion near the proposed

Planned Development District. Mr. Majewski replied that he would modify the wording or sentence structure to clarify the meaning.

- 1159.04(b) This section addresses the Common Open Space Requirements with the intent that open space will be a defined, useful area and not “scraps” around the back of a subdivision that would not be functionally beneficial to the development. Area percentages and calculations for open space are spelled out in this section.

Mr. Fitz asked if the open space can include the seventy-five foot (75') landscaped area along Chagrin Boulevard; Mr. Majewski answered that it can. Mr. Stanard pointed out that required spacing between buildings is not included in the open-space calculation.

- 1159.04(d), Landscaping and Buffers. Mr. Majewski reviewed existing ordinances and commented that, though there are no conflicts, this new district may need to be added where districts are specifically listed in the existing ordinances. Mrs. Lane replied that this can be handled via text amendments where specific districts are cited.
- 1159.04(e)(3), Public Streets. Mrs. Cooper asked if private drives are currently allowed in conservation districts. Mr. Filarski replied that they are allowed if they serve no more than four (4) parcels. A conversation followed regarding how to distinguish between public and private streets and the considerations that need to be taken into account when deciding whether to allow private streets. Mrs. Cooper noted that the wording in this section allows for consideration of public drives, not necessarily approval. Mr. Stanard commented that it may be worth adding language to define the responsibilities of a home owner association with regards to maintenance of private drives. Mr. Majewski added that allowing for some private drives makes it possible to be more creative in terms of the layout of a development.
- **1159.05 – Specific Standards for Planned Development Uses.** Mr. Majewski stated that “1159.05(a)” should be used whenever referencing this section. Mr. Majewski said he based this section on existing ordinances wherever it made sense to do so, and the list is comprised mostly of what is in the existing U-1 Dwelling District ordinances with the exception of several commercial uses listed in Schedule 1159.05(a). Mr. Majewski said that he looked at “soft” commercial uses that the Village may wish to consider, and Mayor Renda questioned whether all uses that may be desired are included.

Mr. Fritz said that it was his understanding that the consensus of the Master Plan Review Committee was to disallow commercial uses in this district. Mayor Renda replied that the discussion at the Joint Planning Commission/Council meeting resulted in recommending the allowance of commercial uses as conditional.

- 1159.05(b)(1), Dwelling Standards, Maximum Dwelling Units. This section discusses how to calculate how many units *may* be permitted in a Planned Development. Mr. Majewski reiterated that it important for applicants to understand that the number of units and density allowed will be dependent upon the individual proposal, and that language can be added, if necessary, to further clarify this point. In response to a question about density percentage from Mr. Pogatschnik, Mr. Majewski said that, while there are different ways to calculate maximum density, requiring that developers subtract out public rights-of-way and acreage proposed for commercial use, if any, encourages clustering of the allowable number of units to maximize the remaining open space.

Mr. Filarski suggested changing wording in the formula from "existing public rights-of-way" to "proposed public rights-of-way" so as to ensure all public rights-of-way servicing a development, including those being built as part of the development, are included in the maximum unit/density calculation.

Mr. Stanard further proposed striking the word "public" from the right-of-way reference to ensure that both public and private roadways are considered for the density calculation. Mr. Filarski pointed out that the Village may wish to incentivize the addition of private drives in a development by not including them in the density calculation, as this would shift the responsibility for maintenance to the home owner association. Because several issues will be impacted by how roads are defined and whether or not they are included in the density calculation, Mr. Majewski feels this may be a topic needing further discussion. Mr. Pogatschnik asked if a driveway might be considered a private road. Mr. Filarski replied that it is not, and Mrs. Lane stated that language can be added to specify an exemption for a private driveway servicing a single home versus a private drive to a cluster of homes.

- 1159.05(b)(2): Mr. Loconti pointed out that this table specifies allowing four (4) units in one building but that three (3) units per building is the maximum allowable for residential construction. Anything greater is considered commercial development, which greatly increases the cost of construction due to building code requirements. Mr. Majewski offered several thoughts, including wondering if four (4) units per building would be a disincentive due to the construction costs but at the same time not wanting to allow more units per

notifications should be extended to non-residents. Because the wording indicates “owners of the property contiguous to and directly across the street,” the Village may wish to notify non-residents if they meet that definition. Mr. Stanard asked if the ten-day notification period is adequate, and Mrs. Lane replied that it is.

Mr. Majewski took a moment to point out that the preliminary plan for a Planned Development is where the critical decisions are made. Once the Planning Commission and Council give final approval to a plan, a developer is essentially vested with their right to develop. Mr. Stanard indicated there is language in this Chapter to ensure preliminary and final plans match but asked if the language is strong enough. Mrs. Lane, Mr. Stanard, and Mr. Majewski reviewed several sections in the Chapter that address this issue. Mr. Stanard expressed concern that defining what is “substantially consistent” between a preliminary and final plan could divide the Planning Commission. Mrs. Lane pointed out that the Building Department also has input when receiving a final development plan, thereby adding another layer of review, and that language defining a list of items required to be submitted with a final development plan is still to be inserted into this document.

Mr. Filarski asked what would happen if a preliminary plan is approved by the Planning Commission and Council but a final plan comes forth that is substantially different - would that be kicked back by the Building Department, with the developer being told they need to go back to the preliminary planning phase, or could the Planning Commission review the revised plans and made a recommendation to Council? Mr. Stanard feels this depends on whether the change is minor or major and that there is language in the Chapter to address this situation. Mr. Majewski mentioned that section 1159.06(c)(1), Final Development Plan- Timing, may play a role in determining what happens when substantial differences are identified between preliminary and final plans; he also commented that language can be added to define an expiration period of a preliminary plan.

- 1159.06(c)(2) – Pre-application Conference. Mayor Renda stated that the Law Director needs to be included as part of the pre-application conference, as she has found that the most frequent development issues that arise are legal.

Mr. Majewski stated that wants to add substantive language to Chapter 1159 regarding a deadline for substantial completion of a project. This will ensure the Village has the opportunity to decide what to do in case a project is not completed. Mr. Stanard cited language in section 1159.06(c)(6) addressing a performance guarantee, and Mr. Majewski said it is necessary to define what constitutes completion. Mrs. Lane, Mr. Filarski, and Mr. Loconti all stated that infrastructure improvements are critical, including public rights-of-ways, water and sewer infrastructure, storm water

management, and proper ingress and egress for fire services. Mr. Stanard pointed out that “meaningful progress toward completion” is pointed out in 1159.06(d)(3). Mr. Majewski said that all definitions are tied to the Village’s existing sub-division ordinances.

- 1159.06(h) – Expansion of Planned Development Area. Mr. Majewski said he wishes to give further consideration to this issue. He wonders if it is appropriate to allow adjacent properties to be attached to an existing Planned Development or if expansion would require another twenty (20) acre parcel.

At this point, a member of the audience wished to ask a question, which Mr. Stanard allowed. The resident wanted to know if she would be losing any rights if she was not involved in the first Planned Development, specifically, could she acquire twenty (20) acres but dedicate the land to a use such as a public park rather than a housing development. Mrs. Lane and Mr. Stanard clarified that no rights would be lost and that the resident’s property would remain zoned as U-1. As long as the desired use is permitted under U-1 zoning, it will remain as a permitted use.

At this time, Mr. Majewski referenced several notes at the end of proposed Chapter 1159 for topics that need further follow up, including working out the timing and sequencing of the application process to make it as efficient as possible and the fees and/or deposits that will be required.

Mr. Pogatschnik asked if there was anything to protect a homeowner from being surrounded on three sides by a Planned Development. Mr. Majewski said there is not, though significant setbacks and buffers are required.

Mr. Stanard tasked the Planning Commission to review the specific requirements that are spelled out in proposed Chapter 1159 and to double-check references to existing chapters in the Zoning Code to avoid contradictions.

Mrs. Cooper asked if setbacks defined in table 1159.05(b)(2) are general numbers, as they differ from the setbacks required for existing cluster homes. Mr. Majewski said he will review the number. Mr. Fritz also asked that the space required between buildings be reviewed.

Mayor Renda confirmed that Mr. Majewski will be in attendance at the May 11, 2016 Public Hearing.

Mr. Fritz stated that, while he thinks the formula spelled out in this Chapter is a good starting point for defining density, the Planning Commission really needs to focus on this issue. Mr. Pogatschnik asked if there was any way to present a visual representation of density. Mr.

Majewski said that this is difficult to capture on paper but suggested that the best way may be to look at existing developments. Mrs. Cooper gave several examples of developments in the area that may be worth viewing.

Mr. Loconti mentioned that he is currently working on two developments in Pepper Pike where fire services are weighing in on the required spacing between buildings. He also mentioned that design features are often written in to the codes, such as placement of front-facing windows to avoid facing on to a blank wall.

General Discussion

CRU Restaurant: Mr. Filarski reported that he and the Chief of Police approved a revised plan to move the access drive from Chagrin Boulevard sixty (60) feet further east. This allows for safer access and, as noted by Mr. Stanard, enables a car to be in the turning lane on Chagrin Boulevard without holding up traffic at the intersection. The entrance from SOM Center Road will remain.

Sunoco: Mrs. Cooper asked if there were any updates on the project; Mr. Filarski answered that revised site plans have been received but not yet approved. Mr. Loconti also commented that construction drawings have been approved but that the project will not move forward until Mr. Filarski signs off on the site plans.

Mayor Renda made a motion seconded by Mr. Pogatschnik to adjourn the meeting at 8:34 p.m.

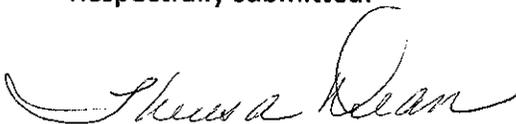
ROLL CALL:

AYES: Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS:

MOTION CARRIED

Respectfully submitted:



Theresa Dean, Assistant Clerk